

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

**CIVIL MINUTES**

**Case Nos.:** CV09-230-MO

**Date of Proceeding:** September 21, 2009

**Case Titles:** Odom v. Microsoft Corp

**Presiding Judge:** Hon. Michael W. Mosman

**Courtroom Deputy:** Dawn Stephens  
Dawn\_Stephens@ord.uscourts.gov  
(503) 326-8024

**Reporter:** Bonita Shumway

**Tape No:** \_\_\_\_\_

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**DOCKET ENTRY:** Minute of Proceedings at the Markmen Hearing held in CV09-230MO.

In CV09-406MO, *Odom v. Attachmate Corp.*, Order GRANTING Unopposed Motion of Johnathan E. Mansfield for Leave to Withdraw as Local Counsel for Gary Odom (#148).

Markmen Hearing held.  
Slides offered as Exhibits RECEIVED.

For the reasons stated on the record, the Court adopts the following constructions:

- (1) defining "toolbar" as "a window holding tools that is user-manipulatable";
- (2) defining "tool group" as "the set of tools between group dividers, or between one end of a toolbar and a group divider";
- (3) defining "tool" as "an icon or text, other than a control button, representing a functional feature";
- (4) defining "selecting" as "specifying a block of data or text on screen by highlighting it or otherwise marking it through an input by the user";
- (5) defining "interactively tracking user indication of movement" as "in computer graphics, interactively causing a displayed symbol, such as a pointer, to match on the screen the user's movements of a mouse or another pointing device";
- (6) defining "altering" (as used in the phrase "altering the condition") as "causing to become different in some particular characteristic without changing into something else."

The Court declines to construe the phrases (1) "tool group divider" and (2) "user indication to cease tracking," finding that these phrases are adequately defined by the language of Mr. Odom's patent claim, U.S. Patent No. 7,363,592 B1, and that neither party proposed appropriate alternative constructions.

**PLAINTIFF'S COUNSEL**

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Edward W. Goldstein  
Johnathan E. Mansfield  
Corby R. Vowell

**DEFENDANT'S COUNSEL**

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Joseph A Micallef  
Robert D. Newell  
Matthew Neil Bathon  
Isbelle Fu

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